

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West St., Ste. 100
Annapolis, MD 21401**

September 30, 2026

CALL TO ORDER: Chair Fisher called the meeting to order at 1:00 p.m.

Commission Members in Attendance:

Derek Bland, Wicomico County
David Bradford, Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris, St. Mary's County
Mark Conway, Baltimore City
Anne Marie Esposito, Department of Transportation (for Allison Gost)
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Glenn Gillis, Harford County
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Sandy Huffer, Queen Anne's County
Mira Morgan, Department of Housing and Community Development
Alisha Mulkey, Department of Agriculture
James Palma, Department of Commerce
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Ben Etherton, Talbot County
Anita Grant, At Large
Earl "Buddy" Hance, Calvert County
Catherine McCall, Department of Natural Resources
Hitesh Patel, Somerset County
Brian Roche, Dorchester County
Lisa Rodvien, Anne Arundel County

OPENING REMARKS

Chair Fisher called the virtual meeting to order. He welcomed everyone and expressed his appreciation to Commissioner Herr Cornwell for serving as Acting Chair when he was unable to attend the August 19, 2026 meeting.

APPROVAL OF MINUTES

Commissioner Conway moved to approve the minutes from the August 19, 2026 meeting. Commissioner R. Hance seconded. All voted in favor. **Motion carried unanimously.**

ITEMS FOR VOTE/CONCURRENCE:

PROGRAM COMMITTEE

Dorchester County – Critical Area Map Update – Consent Report

Staff Report by Jon Coplin. Program Committee Recommendation – Concurrence; Approval.

Discussion: There was no discussion.

Program Chair Bunker stated the Committee had voted to concur with the Chair's determination of refinement, and recommended the Chair approve the map amendment as proposed. Chair Fisher acknowledged the concurrence and stated the recommendation will stand as his final action.

Town of Church Creek – Critical Area Map Update – Consent Report

Staff Report by Jon Coplin. Program Committee Recommendation – Concurrence; Approval.

Discussion: There was no discussion.

Program Chair Bunker stated the Committee had voted to concur with the Chair's determination of refinement, and recommended the Chair approve the map amendment as proposed. Chair Fisher acknowledged the concurrence and stated the recommendation will stand as his final action.

Town of Indian Head (Charles County) – Robinson Terminal Growth Allocation – Summary Report

Staff Report by Michael Macon. Program Committee Recommendation – Concurrence; Approval with Conditions.

Mr. Macon presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Town of Indian Head is requesting growth allocation to reclassify and reconfigure the Critical Area designations on the Robinson Terminal property (Tax Map 11, Parcel 142) to result in 6.56 acres of Limited Development Area (LDA) and 9.66 acres of Intensely Developed Area (IDA), per Resolution No. 05-01-26. The proposed growth allocation application accounts for nine (9) acres of growth allocation previously approved by the Commission in 1993 and redesignates an additional 0.66 acres of LDA to IDA. If the growth allocation is approved, the new IDA and reconfiguration of IDA and LDA onsite will accommodate a new residential townhome subdivision, which would otherwise exceed the allowable lot coverage and forest clearing limits.

Discussion:

Commissioner R. Hance asked for clarification about why this was determined to be a refinement rather than an amendment. Chair Fisher responded that the most compelling factor in making the determination was that the site is already a mixture of LDA and IDA, so it is just reconfiguration resulting in less of an impact to the site.

Commissioner R. Hance next asked if there were comments from the public. Sue Greer, attorney for the developer, and Mark Harman, from the Town of Indian Head, confirmed that there were public meetings with

very little turnout, and almost no opposition to the plan. No written comments were received. Mark Harman stated there were some general questions about walkability and access.

Commissioner Huffer asked for clarification on what was meant by redevelopment. Ms. Greer gave some background history of Indian Head, including its declining population. Based on studies by the town, it was determined that the Town needed to increase its population, and this would give access to the boardwalk and mixed use development.

Following discussion, Chair Fisher recognized Program Committee Chair Bunker, who reported that the Program Committee recommended concurrence. Further the Program Committee also recommended that the growth allocation be approved with the following revised conditions:

1. Prior to the start of construction, the Town shall submit to Commission staff copies of final correspondence from MHT indicating that MHT's consultation process is complete and any MHT requirements have been fully resolved.
2. Prior to the start of construction, the Town will submit final authorizations from the Maryland Department of the Environment and the US Army Corps of Engineers for impacts to nontidal wetlands.
3. The growth allocation shall adhere to the time of year restrictions for Northern Long Eared Bat protection.
4. Prior to the start of construction, the Town will submit a final, approved Erosion and Sediment Control plan which depicts all nontidal BMPs as requested by MDE.
5. Prior to the start of construction, the Town shall submit a canopy and forest mitigation plan to Commission staff and, if necessary, the full Commission for review and approval. The plan will incorporate the canopy enhancements, invasive removal, and native replanting proposed in the growth allocation application (Section 8: Project Narrative). In addition, the plan will include 2 acres of planting, or equivalent mitigation through invasive removal, reforestation initiative, or other measures approved by Commission Staff, prioritizing land within or adjacent to the Town.

Chair Fisher acknowledged the Committee's concurrence and their recommendation will stand as his final action.

OLD BUSINESS:

Chair Fisher noted that as he was unable to attend the last meeting, the determinations were held until after the meeting. He approved the City of Aberdeen's Comprehensive Review, as well as all three boundary map updates. Regarding the Kingsbay Growth Allocation request, he agreed with the Program Committee's recommendation to deny the request.

LEGAL UPDATES:

SACHS (DORCHESTER COUNTY) – UPDATE

Regarding a denied variance for a screened-in porch in the Buffer. Mr. Sachs failed to file an opening memorandum explaining why he thought the Board's decision was incorrect. The Critical Area Commission

and and Dorchester County filed a motion to dismiss, which was granted. Mr. Sachs did not appeal, which means the denial stands.

NEW BUSINESS:

RCA Use Workgroup Update

Annie Sekerak delivered an update on the Resource Conservation Area (RCA) Use Workgroup, which met monthly from June through September 2026. Key highlights included:

- **Workgroup Members:** Commissioners Anita Grant, Debbie Herr Cornwell, Sandy Huffer, Catherine McCall, Alisha Mulkey, Jim Palma, and Dave Wilson.
- **Objective:** Address adaptive reuse of vested structures and non-conforming uses in the RCA without relying solely on Growth Allocation or site-wide RCA Use Text Amendments.
- **Proposed Path Forward:** Concept of a "Floating Overlay District"—a temporary, parcel-specific overlay zone established via regulations to permit non-conforming adaptive reuse while preserving the overarching RCA zoning designation and environmental standards.
- **Next Steps:** Staff will draft regulations in consultation with local partners and bring a proposal back to the full Commission for review and voting.

August 16 Commission Field Day

Chair Fisher thanked Commissioners for making the August 16 Field Day to the Anita C. Leight Nature Center in Harford County such a success. Attendees were able to tour a recent stream restoration project.

Finally, Dr. Kelly mentioned the retirement of Science Advisor Claudia Jones, and thanked her for her many years of service.

Next Commission meeting will be on November 4, 2026.

Lynette Fullerton, Commission Secretary

Date Approved